

FORM TO BE USED BY FEDERAL PRISONERS IN FILING A  
CIVIL ACTION UNDER 28 U.S.C. §1331 or §1346

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF West Virginia

2:05-0236

Robert Alton Harris, Jr. #06597-088

\_\_\_\_\_  
\_\_\_\_\_  
(Enter above the full name of the  
plaintiff or plaintiffs in this action).

vs.

Justice Department (Et Al.)

Director of U.S. Marshal Service (Et Al.)

Warden for Grayson County Jail (Et Al.)

U.S. Marshal service (Et Al.)

(Enter above the full name of the  
defendant or defendants in this action).

- A. Have you begun other actions in federal Court dealing with  
the same facts involved in this action? Yes (X) No ( )
- B. If your answer to A is yes, describe the action in the spaces  
below. (If there is more than one action, describe the addi-  
tional actions on the reverse side of this page):

1. Parties to the action: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

2. Court (federal court, name the district) \_\_\_\_\_

\_\_\_\_\_

3. Docket number: \_\_\_\_\_

4. Name of judge to whom case was assigned: \_\_\_\_\_

\_\_\_\_\_

**FILED**

**MAR 21 2005**

TERESA L. DEPPNER, CLERK  
U.S. District & Bankruptcy Courts  
Southern District of West Virginia

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5. Disposition (for example: Was the case dismissed? Was it appealed? Is it still pending?): \_\_\_\_\_

- C. 1. Did you present the facts relating to your complaint in the internal prison grievance procedure?  
Yes ( ) No ( )

2. If your answer is yes, what was the result? \_\_\_\_\_

3. If your answer is no explain. \_\_\_\_\_

- D. 1. Did you present your claim to the Bureau of Prisons or other federal agency for administrative action?  
Yes (X) No ( )

2. If your answer is yes, state the date such claim was submitted and what action, if any, has been taken.

Grievance procedure for Grayson County Jail consisted of writing your  
complaint on a piece of paper and handing it to a guard. No carbon  
copy was made, no reply was ever given.

3. If your claim has been acted on, attach copies of any correspondence you have received from the Bureau of Prisons or other federal agency concerning your claim.

- E. 1. Are you suing for a work related injury? Yes ( ) No (X)

2. If your answer is yes, state the nature of the duties you were performing when the injury occurred.

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PARTIES

(In item I below, place your name in the first blank and place your present address in the second blank. Do the same for additional plaintiffs, if any).

I. Name of plaintiff Robert Alton Harris, Jr. #06597-088/ Federal Correctional  
Address Institute/ P.O. Box 1000/ Cumberland Maryland, 21501

(In item II below, place the full name of the defendant in the first blank, his official position in the second blank and his place of employment in the third blank. Use the space below item II for names, positions and places of employment of any additional defendants.)

II. Defendant Unknown at this time. is employed as \_\_\_\_\_  
\_\_\_\_\_ at \_\_\_\_\_

STATEMENT OF CLAIM

III. State here as briefly as possible the facts of your case. Describe how each defendant is involved. Include also the names of other persons involved, dates and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of different claims, number and set forth each claim in a separate paragraph. (Use as much space as you need. Attach extra sheet, if necessary).

(Please see attached form for statement of claims.)

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On or about February 23, 2003, I was transported by the U.S. Marshals to a county jail (Carter County Jail) in Grayson Kentucky, and held at this jail as both a Federal Pretrial Detainee, and a Convicted Federal Inmate until December 6th, 2003.

Carter County Jail is a state facility, contracted by the U.S. Government to house Federal Inmates awaiting Trial.

**Claims are listed as followed:**

1. While detained at Carter county jail, I was denied access to Religious services, and Religious Material. IE: Holy Bible, and Christian Services. I was told by every guard on duty that, if I wanted a Bible, I would have to pay for one myself, because the jail did not have any to give out. I was also informed by the staff that the jail did not offer Christian services to inmates. It was not until late July, 2003 that the jail started allowing Christian Minister to come into the jail and hold service for the inmates. I was denied this right for five months.
2. On or about the month of May, 2003, Carter county jail refused medical attention to all Federal inmates, Per orders of the U.S. Marshal service. William Bailey, the deputy in charge of the jail, told us that the U.S. Marshal service had instructed him, and the other staff member, that unless it was life threatening, no medical attention was to be given to Federal inmates. Shortly thereafter, a Federal U.S. Marshal also gave a speech to the Federal inmates, telling us that no medical attention would given because of the lack of funding. The U.S. Marshal also instructed us that day that if we had serious medical needs, he would transport us to South Central Regional Jail, in Chareleston West virginia. I did not have a life threatening medical need, so I did not go. But, I found out later that I was to be refused even the minor medical attention required to sustain proper living, such as aprin or tylenol.

On or about June 10, 2003, because the bunk beds at Carter county jail did not have step ladders, I fell, while trying to get down off of my top bed, onto the floor, landing on my back. Because of that fall, I experienced great pain in my back, and found it very dificult to move. When I told the guards on duty what happened, I was told that my injury was not life threatening, so no medical attention could be authorized. When I asked for some pain medicine, I was refused asprin because of my indigent statues. I was informed by the staff that asprin would cost me twenty five cents. Because I had no money, I was refused the asprin. I was in great pain for many months because of that fall, and only when i received money on my account was I able to obtaine asprine from the guards.

3. For my entire incarceration at Carter county jail, I was refused access to

a law library. I was informed by William Bailey, and the rest of the staff members that the jail did not have any legal material for us to use. Access to a law library was very important for me, as I was working on my Federal case, because my Federal Public Defender was not doing his job properly. When I informed the staff members that I needed legal material to look at, I was told that they could not help me, because they did not have the funding to buy the required legal material.

4. Because of my indigent status, I could not buy the required material, IE, Paper, envelopes, stamps, necessary to correspond with my attorney about my case. When I asked the staff members for these Items, I was told that the jail did not furnish these items to inmates. Because of this, I could not properly correspond with my attorney, and the courts concerning my Federal case.
5. Upon entering Carter county jail, I found that I was surrounded by inmates who smoked ciggarettts. When I told the staff that I did not smoke, and that I would like to be moved to a place where there was no smoking, I was told by the staff that no such area existed. When I refused that answer and stated that I did not wish to inhale second hand smoke, I was told that I could go to the lock down area if I truly wanted to. Lock down is a place in the jail designed for the punishment of inmates who break the jail's rules. Because of this, I was forced to live around inmates who smoked, and forced to inhale second hand smoke.
6. For my entire stay at Carter county jail, (9) nine months, I was given access to recreation (6) times. When I asked to be allowed recreation time, I was told by staff members that recreation time was subject to the discretion of the guards, and that they would take us outside when they felt like it.

**End Claims,**

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RELIEF

IV. State what relief you seek from the Court. Make no legal arguments. Cite no cases or statutes.

I am seeking relief in the amount of (500.000.00) Five Hundred Thousand  
dollars for violation of my constitutional rights, including Cruel and  
Unusual punishment. I am also asking that this Court Mandate that Carter  
County Jail adhere to the Constitution and correct there problems at the Jail.

Signed this 9<sup>th</sup> day of March  
19-2005

Robert Harris

(Signature of Plaintiff or  
plaintiffs)

DECLARATION

I, Robert Allen Harris declare under penalty  
of perjury that I have read and subscribed to the above and state  
that the information contained therein is true and correct to the  
best of my knowledge.

Executed 3-09-05 at F.C.I. Cumberland  
(date) (place)

Robert Harris

(signature of Plaintiff)

Signature of Attorney (if any)